

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOBART CORPORATION, et al., :
Plaintiffs,

v. :

DAYTON POWER AND LIGHT
COMPANY, et al., :
Defendants.

Case No. 3:13-cv-115
JUDGE WALTER H. RICE

ENTRY SUSTAINING DEFENDANTS' MOTION TO MODIFY PRE-
TRIAL SCHEDULE (DOC. #1386)

Defendants Dayton Power and Light Company, ConAgra Grocery Products Company, LLC, Valley Asphalt, Inc., and Waste Management of Ohio, Inc. (collectively, "Defendants") have filed a motion seeking a modification of the current pre-trial schedule which was entered by the Court on February 3, 2025.¹ Doc. #1386. Specifically, Defendants ask the Court to include a deadline by which they may file either a Motion to Dismiss or other appropriate motion concerning Count Four of Plaintiff's Sixth Amended Complaint. They base this request on Fed. R. Civ.

¹ The motion states that Defendant Sherwin Williams Company does not oppose the motion. Doc. #1386, PageID #52885 n.1.


P. 16(b)(4), which states that “[a] schedule may be modified only for good cause and with the judge’s consent.”

Defendants’ claim that good cause exists to modify the pre-trial schedule because, subsequent to the Scheduling Order’s entry, the Sixth Circuit filed an opinion in *Georgia-Pacific Consumer Prods. LP v. NCR Corp.*, 136 F.4th 690 (6th Cir. 2025). Defendants believe this new case will affect the viability of Plaintiffs’ Claim Four which seeks declaratory judgment regarding future response costs.

Without deciding the merits of any such motion, the Court is convinced that briefing on the issue is indeed necessary. Therefore, the Court SUSTAINS Defendants’ Motion to Modify Pre-Trial Schedule. Doc. #1386.

Defendants have a deadline of September 2, 2025 to file a motion to dismiss, or other relevant motion, concerning Plaintiff’s claim for declaratory judgment.

Date: July 29, 2025



WALTER H. RICE
UNITED STATES DISTRICT JUDGE